

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                                       |   |                           |
|---------------------------------------|---|---------------------------|
| CARL G. SIMPSON, <i>et al.</i> ,      | : | Case No. 1:00cv00014-SJD  |
|                                       | : | (Judge Susan J. Dlott)    |
| Plaintiffs,                           | : |                           |
|                                       | : |                           |
| v.                                    | : | <b>DEFENDANT CMI'S</b>    |
|                                       | : | <b>MOTION FOR SUMMARY</b> |
|                                       | : | <b>JUDGMENT</b>           |
| INTERMET CORPORATION, <i>et al.</i> , | : |                           |
|                                       | : |                           |
| Defendants.                           | : |                           |

Defendant Hayes Lemmerz International - Equipment & Engineering, Inc., d/b/a CMI-Equipment & Engineering, Inc. ("CMI"), by counsel, moves this Court for summary judgment pursuant to FED. R. CIV. P. 56. A Memorandum in Support of this Motion is being filed simultaneously with this Motion.

Respectfully submitted,

s/Mark T. Hayden  
Mark T. Hayden (0066162)  
Nancy J. Bride (0068559)  
GREENEBAUM DOLL & McDONALD PLLC  
2800 Chemed Center  
255 East Fifth Street  
Cincinnati, Ohio 45202  
Phone: (513) 455-7600  
Facsimile: (513) 455-8500

Trial Attorneys for Defendant Hayes Lemmerz  
International - Equipment & Engineering, Inc.,  
d/b/a/ CMI- Equipment and Engineering, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of May, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel who have participated in the system.

I hereby certify that I have mailed by regular U.S. mail, postage prepaid the foregoing to counsel whom are not participating in the CM/ECF system.

s/Mark T. Hayden

Trial Attorney for Defendant Hayes Lemmerz  
International - Equipment & Engineering, Inc.,  
d/b/a/ CMI- Equipment and Engineering, Inc.

CIN:596038.1